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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

AIMEE LEVINE,

Plaintiff and Appellant,

v.

PAUL M. CARRICK,

Defendant and Respondent.

H037598

(Santa Cruz County

Super. Ct. No. CV172137)

Paul M. Carrick appeals from a restraining order entered against him in a civil harassment proceeding brought by Aimee Levine. Because the restraining order has expired by its own terms, the appeal is moot. We will accordingly dismiss it.

BACKGROUND

Levine and her husband and child were tenants of Carrick on rural property located in the Santa Cruz mountains. Carrick apparently lived at the property as well. At some point before the hearing in this proceeding, Carrick was ordered by the trial court in another proceeding to discontinue leasing the property to tenants based on conditions at the property that affected its habitability. Carrick initiated a separate unlawful detainer proceeding to remove Levine and her family from the premises. Meanwhile, disputes between Carrick on the one hand and Levine and her family on the other were ongoing and police were called to the property several times.

On September 15, 2011, Levine initiated this civil harassment proceeding under Code of Civil Procedure section 527.6 in which she requested orders to stop Carrick from harassing her and her family. The court issued a temporary restraining order and notice of hearing. After a hearing on September 29, 2011, the court issued a written restraining order that same day directing Carrick to stop harassing Levine and her family and to stay away from them. As Levine and her family were then in the process of moving from the property, the order expired by its own terms after six months, on March 1, 2012.

Carrick appealed from the order on November 15, 2011.

DISCUSSION

Carrick raises numerous challenges to the order in his brief filed February 8, 2012. Levine declined to file a brief, instead filing a notice on April 24, 2012, in which she asserted that the appeal is moot as the order expired by its own terms on March 1, 2012. We requested Carrick to show cause why the appeal should not be dismissed for mootness. He responded by contending, in essence, that the appeal should not be dismissed because it raises issues of continuing importance that will likely recur.

Various events occurring after a notice of appeal is filed can render the appeal moot and subject to dismissal on the court's own motion. (*City of Hollister v. Monterey Insurance Co.* (2008) 165 Cal.App.4th 455, 479-480). An appeal is moot when the occurrence of an event makes it impossible for the appellate court to grant effective relief. (*Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541 (*Eye Dog*); *Mercury Interactive Corporation v. Klein* (2007) 158 Cal.App.4th 60, 77-78.) Where the relief granted by the court is temporal and expires by the time the appeal can be heard, as here, the appeal is moot and subject to dismissal. (*Environmental Charter High School v. Centinela Valley Union High School District* (2004) 122 Cal.App.4th 139, 144.)

The policy behind the mootness doctrine is that courts decide actual controversies and normally will not render opinions that are merely advisory. (*Ebensteiner Co., Inc. v.*

Chadmar Group (2006) 143 Cal.App.4th 1174, 1178-1179.) But there are three general exceptions to this rule under which a reviewing court may exercise discretion to decide an appeal on the merits despite events mooted by it. These are: when a case poses an issue of broad public interest and is likely to recur (*Edelstein v. City & County of San Francisco* (2002) 29 Cal.4th 164, 162); when the same controversy is likely to recur between the parties (*City of Hollister v. Monterey Insurance Co.*, *supra*, 165 Cal.App.4th at p. 480; *In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498); and when a material question remains between the parties despite mooted events (*Eye Dog*, *supra*, 67 Cal.2d at p. 541; *County of Fresno v. Shelton* (1998) 66 Cal.App.4th 996, 1006).

Although Carrick attempts to bring this case within one of these exceptions to the mootness doctrine, none of them apply. He asserts that Levine has pursued harassment proceedings against another landlord, impliedly suggesting that the case presents recurring issues. But even if it is true that Levine is engaged in litigation with another landlord, the issues in this appeal, which are necessarily dependent on the facts in this particular case, do not rise to the level of broad public interest or importance. Nor has Carrick demonstrated that the issues raised here are likely to recur even as between him and Levine. And no material questions remain between the parties despite the restraining order having expired.

Because the civil harassment restraining order from which Carrick appeals has expired by its own terms, and no exception to the mootness doctrine applies, the appeal presents no actual case or controversy and is moot. We will accordingly dismiss it.

DISPOSITION

The appeal is dismissed.

MÁRQUEZ, J.

WE CONCUR:

RUSHING, P.J.

PREMO, J.